

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

APPELLATE SIDE

WRIT PETITION NO.1988 OF 2004

Mr.A.S. Gaikwad for the Petitioner.
Mr.S.S.Shah for Respondents Nos. 1 & 2.

Office Notes, Office
Memoranda of Coram,
appearances, Court's
order or directions

Court's or Judge's
orders

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CORAM: D.K.DESHMUKH, J.

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DATED: 21st September, 2005

P.C.:

The order of temporary injunction made by the trial court is operating from the month of September, 2003. Both the courts below concurrently have found that the Plaintiff has made out a prima facie case about his entitlement to draw water from the well and also to use the road. In my opinion, it will not be appropriate to interfere with the concurrent findings recorded by both the courts below, especially because the order of temporary injunction has been operating for last nearly two years. Petition is, therefore, rejected.

